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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,257	08/29/2003	Shinya Adachi	34825US1	1976
116 7590 04/11/2007 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER BEHNCKE, CHRISTINE M	
			ART UNIT	PAPER NUMBER
			3661	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/652,257	ADACHI, SHINYA	
	Examiner	Art Unit	
	Christine M. Behncke	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9-12,14-16,18-36,40-43 and 45-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,5-7,9-12,15,16,18-32,35,36,40-43 and 45-49 is/are allowed.
- 6) ☒ Claim(s) 14,33,34,50 and 51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the Amendment and Remarks filed 9 January 2007, in which claims 1-3, 5-7, 9-12, 14-16, 18-36, 40-43, and 45-51 were presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim 14** is rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al., US 6,249,740 (referred to as Ito '740).

Ito '740 discloses a position information transmission apparatus for transmitting road shape information to specify a target road section on a digital map (figures 3 and 4), the apparatus comprising: position information converting means for selecting the target road section (column 9, lines 19-25); transmit node extracting means for selecting nodes from the target road section on the digital map on a predetermined condition (course-change section of the recommended route, figure 4, column 3, lines 46-49); generating road shape information including the selected nodes of the target road section (Column 12, lines 33-41, figures 4, 6 and 7D, Column 15, lines 7-22); and

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transmitting means for transmitting the road shape information (column 14, lines 49-column 15, lines 38).

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 50 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al., US 6,542,816.

(**Claim 50**) Ito et al. discloses an apparatus for identifying position of a target road section on a digital map at a receiving side based on position information on a digital map at a transmitting side and event information, said apparatus comprising: means for receiving the position information and the event information (vehicle navigation apparatus 100, data storage 103 and display 106, column 10, lines 27-32); means for determining position of nodes representing the target road section on the digital map at the receiving side based on the position information on the digital map at the transmitting side (S2 of Figure 7); means for calculating a path connecting the nodes (column 7, lines 9-20, column 17, lines 16-57, figures 14-18); means for identifying position of the road section on the digital map at the receiving side (matching operation, column 12, lines 21-26); and means for reproducing the event information in the road section on the digital map at the receiving side (figure 12, column 12, lines 9-26).

(**Claim 51**) Ito et al. further discloses wherein said means for identifying identifies the position of the target road section on the digital map based on at least one of the nodes including in the position information (figures 5, 6A and B, 10 and 11).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. **Claims 33 and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al in view of Ito et al., US 6,249,740 (referred to as Ito '740).

(**Claim 33**) Ito et al. discloses an apparatus for providing position information indicating a target road section on a first digital map to a receiving side having a second digital map so that the receiving side can identify the target road section on the second digital map, said apparatus comprising: means for identifying a target road section on a digital map (route search program within system control section 152, column 11, lines 13-34); means for selecting nodes from points arranged on the target road section (figures 10 and 11); means for creating position information using the selected nodes (Column 11, line 49-67); and means for transmitting the position information to the receiving side (communication unit 151, S9 of Figure 8). Ito et al. does not explicitly disclose selecting node groups from the plurality of nodes. Ito '740 teaches means for selecting node groups from points arranged on a target road section on a first digital map on a predetermined condition (Column 12, lines 33-41, figures 4, 6 and 7D, Column 15, lines 7-22), creates position information using the selected nodes (figure 2); and transmitting the position information in the receiving side (figure 3). It would have

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been obvious to one of ordinary skill in the navigational art to combine the apparatus of Ito et al. with the teachings of Ito '740 because, as Ito '740 suggests selecting groups of nodes around a change-course point allows the navigation apparatus to determine the angle between an entrance road and an exit road, thereby clearly determining and then displaying if the user makes a turn, gentle curve at a fork, or goes straight at a course-change point (column 12, lines 7-23).

(Claim 34) Ito et al. discloses an apparatus for providing position information indicating a target road section on a first digital map to a receiving side having a second digital map so that the receiving side can identify the target road section on the second digital map (vehicle navigation apparatus 100, S2 of Figure 7), said apparatus comprising: means for identifying a target road section on a first digital map (recommended or searched route comprised of road links, figures 8 and 9); means for selecting a predetermined section from the target road section (column 10, lines 3-32); Ito et al. further discloses selecting nodes and obtaining coordinate information of the selected nodes (route search program within system control section 152, column 11, lines 13-34, figures 10 and 11); means for obtaining coordinate information of the selected node group (figure 10, column 11, lines 45-48); means for creating position information from the obtained coordinate information (Column 11, line 49-67); and means for transmitting the position information to the second digital map (communication unit 151, S9 of Figure 8). Ito et al. does not disclose selecting nodes in a manner that the nodes are selected more thickly in a predetermined section than another section. However, Ito '740 teaches a communications navigation system

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wherein routing data is transmitted and received between a navigation base apparatus and a vehicle navigation apparatus, including means for identifying a target road section on a digital map (recommended or searched route, figure 4), selecting a predetermined section from the target road section (course-change section of the recommended route, figure 4), and intermittently selecting nodes from points arranged on the target road section in such manner that nodes are selected more thickly in the predetermined section than the other section of the target road section (Column 12, lines 33-41, figures 4, 6 and 7D, Column 15, lines 7-22). It would have been obvious to one of ordinary skill in the art to combine the apparatus of Ito with the teachings of Ito '740 because, as Ito '740 suggests selecting more nodes around a change-course point allows the navigation apparatus to determine the angle between an entrance road and an exit road, thereby clearly determining and then displaying if the user makes a turn, gentle curve at a fork, or goes straight at a course-change point (column 12, lines 7-23).

Allowable Subject Matter

6. **Claims 1-3, 5-7, 9-12, 15, 16, 18-32, 35, 36, 40-43, and 45-49** are at present considered allowable

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

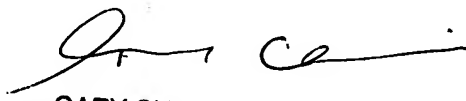
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571) 272-8103. The examiner can normally be reached on 8:30 am- 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMB



GARY CHIN
PRIMARY EXAMINER